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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,078	02/05/2004	Albert Enrique Singh JR.	HSJ920030178US1	6038
48583	7590	04/11/2005	EXAMINER	
BRACEWELL & PATTERSON, LLP			THOMAS, DAVID B	
PO BOX 61389			ART UNIT	
HOUSTON, TX 77208-1389			PAPER NUMBER	
			3723	

DATE MAILED: 04/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/773,078	<b>Applicant(s)</b> SINGH, ALBERT ENRIQUE	
	<b>Examiner</b> David B. Thomas	<b>Art Unit</b> 3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 14-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14, 17 and 19 is/are rejected.
- 7) ☒ Claim(s) 15, 16, 18 and 20-22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of Invention II, claims 14-22, in the reply filed on February 17, 2005 is acknowledged.

***Claim Rejections - 35 USC § 102/103***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 14 and 19 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Moravec et al. (5,695,387), in view of the applicant's admitted prior art.

The examiner notes that according to the applicant's disclosure that the charging of lapping plates is well known in the art, and further that the applicant alleges that the procedure of charging a lapping plate in the prior art is limited to applying the slurry and rotating both the ring and the plate in the same direction, and that this procedure is inefficient. The applicant alleges that rotating the ring and the plate in opposite directions, in order to improve the charging of a lapping plate, is an improvement over the prior art.

Moravec et al. disclose charging the lapping plate in a *planetary-type* (emphasis added) motion. Moravec et al. disclose the claimed invention except for initially hand rubbing the abrasive onto the lapping plate, rather than supplying the abrasive via slurry. However, the examiner respectfully contends that charging a lapping plate by rotating the ring and the lapping plate in opposite directions is anticipated, or rendered obvious, by Moravec et al., as Moravec et al. disclose charging the lapping plate in a planetary-type motion, and it is the examiner's position that at some point in the planetary motion the ring and the lapping plate are moving in opposite directions.

5. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moravec et al. (5,695,387), as applied to claims 14 and 19 above, in view of Moriwaki (JP 2001232558 A).

Moravec et al., as applied to claims 14 and 19 above, disclose the claimed invention except for the issue of having charging elements symmetrically spaced on the fixture. Moriwaki discloses embedding abrasive grains into a polishing device and teaches that the "charging elements" 2 are symmetrically spaced about a rotational axis of the "fixture" 3 (see Figs. 4 and 5). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the charging method of Moravec et al., by providing a charging tool having a fixture with a plurality of symmetrically spaced charging elements about a rotational axis of the fixture, such as the charging tool as clearly taught by Moriwaki.

***Allowable Subject Matter***

6. Claims 15, 16, 18 and 20-22 are objected to as being dependent upon a rejected

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base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Griffin et al. disclose a system and method for preparing platens for performing lapping operations. Beaucage et al., Holmstrand, and Scherrer each disclose a lapping plate.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David B. Thomas whose telephone number is (571) 272-4497. The examiner can normally be reached on 7-4 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David B. Thomas  
Primary Examiner  
Art Unit 3723